

House Study Bill 16 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
PUBLIC SAFETY BILL BY
CHAIRPERSON BAUDLER)

A BILL FOR

1 An Act relating to eliminating the requirement of an annual
2 permit to acquire a pistol or revolver and providing a
3 penalty.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 724.11A, Code 2011, is amended to read
2 as follows:

3 **724.11A Recognition.**

4 A valid permit or license issued by another state to any
5 nonresident of this state shall be considered to be a valid
6 permit or license to carry weapons issued pursuant to this
7 chapter, ~~except that such permit or license shall not be~~
8 ~~considered to be a substitute for an annual permit to acquire~~
9 ~~pistols or revolvers issued pursuant to section 724.15.~~

10 Sec. 2. Section 724.16, Code 2011, is amended to read as
11 follows:

12 **~~724.16 Annual permit to acquire required~~ Pistol or revolver**
13 **~~— transfer prohibited.~~**

14 1. ~~Except as otherwise provided in section 724.15,~~
15 ~~subsection 2, a person who acquires ownership of a pistol or~~
16 ~~revolver without a valid annual permit to acquire pistols or~~
17 ~~revolvers or a person who transfers ownership of a pistol~~
18 ~~or revolver to a person who does not have in the person's~~
19 ~~possession a valid annual permit to acquire pistols or~~
20 ~~revolvers is guilty of an aggravated misdemeanor.~~

21 2. A person who transfers ownership of a pistol or revolver
22 to a person that the transferor knows is prohibited by
23 section ~~724.15~~ 724.26 from ~~acquiring ownership of~~ possessing,
24 receiving, or transporting a pistol or revolver commits a class
25 "D" felony.

26 Sec. 3. Section 724.21A, Code 2011, is amended to read as
27 follows:

28 **724.21A Denial, suspension, or revocation of permit to carry**
29 **~~weapons or permit to acquire pistols or revolvers.~~**

30 1. In any case where the sheriff or the commissioner of
31 public safety denies an application for or suspends or revokes
32 a permit to carry weapons, ~~or an annual permit to acquire~~
33 ~~pistols or revolvers,~~ the sheriff or commissioner shall provide
34 a written statement of the reasons for the denial, suspension,
35 or revocation and the applicant or permit holder shall have the

1 right to appeal the denial, suspension, or revocation to an
2 administrative law judge in the department of inspections and
3 appeals within thirty days of receiving written notice of the
4 denial, suspension, or revocation.

5 2. The applicant or permit holder may file an appeal with
6 an administrative law judge by filing a copy of the denial,
7 suspension, or revocation notice with a written statement that
8 clearly states the applicant's reasons rebutting the denial,
9 suspension, or revocation along with a fee of ten dollars.
10 Additional supporting information relevant to the proceedings
11 may also be included.

12 3. The administrative law judge shall, within forty-five
13 days of receipt of the request for an appeal, set a hearing
14 date. The hearing may be held by telephone or video conference
15 at the discretion of the administrative law judge. The
16 administrative law judge shall receive witness testimony and
17 other evidence relevant to the proceedings at the hearing. The
18 hearing shall be conducted pursuant to chapter 17A.

19 4. Upon conclusion of the hearing, the administrative law
20 judge shall order that the denial, suspension, or revocation
21 of the permit be either rescinded or sustained. An applicant,
22 permit holder, or issuing officer aggrieved by the final
23 judgment of the administrative law judge shall have the right
24 to judicial review in accordance with the terms of the Iowa
25 administrative procedure Act, chapter 17A.

26 5. The standard of review under this section shall be
27 clear and convincing evidence that the issuing officer's
28 written statement of the reasons for the denial, suspension, or
29 revocation constituted probable cause to deny an application or
30 to suspend or revoke a permit.

31 6. The department of inspections and appeals shall adopt
32 rules pursuant to chapter 17A as necessary to carry out the
33 provisions of this section.

34 7. In any case where the issuing officer denies an
35 application for, or suspends or revokes a permit to carry

1 ~~weapons, or an annual permit to acquire pistols or revolvers~~
2 solely because of an adverse determination by the national
3 instant criminal background check system, the applicant or
4 permit holder shall not seek relief under this section but
5 may pursue relief of the national instant criminal background
6 check system determination pursuant to Pub. L. No. 103-159,
7 sections 103(f) and (g) and 104 and 28 C.F.R. § 25.10, or other
8 applicable law. The outcome of such proceedings shall be
9 binding on the issuing officer.

10 Sec. 4. Section 724.27, subsection 1, unnumbered paragraph
11 1, Code 2011, is amended to read as follows:

12 The provisions of ~~section~~ sections 724.8, ~~section 724.15,~~
13 ~~subsection 1,~~ and ~~section~~ 724.26 shall not apply to a person
14 who is eligible to have the person's civil rights regarding
15 firearms restored under section 914.7 if any of the following
16 occur:

17 Sec. 5. REPEAL. Sections 724.15, 724.17, 724.18, 724.19,
18 724.20, and 724.21, Code 2011, are repealed.

19 EXPLANATION

20 This bill eliminates the requirement, pursuant to Code
21 section 724.15, that a person who acquires ownership of a
22 pistol or revolver must apply for and be issued an annual
23 permit to acquire a pistol or revolver unless certain
24 exceptions apply.

25 The bill amends Code section 724.16 relating to penalties
26 for acquiring or transferring ownership of a pistol or revolver
27 without a valid permit and provides that a person who transfers
28 ownership of a pistol or revolver to a person the transferor
29 knows is prohibited from possessing, receiving, or transporting
30 a pistol or revolver under Code section 724.26 is guilty of a
31 class "D" felony punishable by confinement for no more than
32 five years and a fine of between \$750 and \$7,500.

33 The bill repeals related Code sections relating to
34 permit-to-acquire applications (Code sections 724.17 and
35 724.18) and issuance requirements and procedures (Code sections

1 724.19, 724.20, and 724.21). The bill makes conforming changes
2 to Code sections 724.11A (recognition of out-of-state permits),
3 724.21A (provisions relating to the denial, suspension, or
4 revocation of permits to acquire), and 724.27 (restoration of
5 citizenship rights to a person convicted of a felony).

6 Current law provides that a person who acquires ownership of
7 a pistol or revolver without a valid annual permit to acquire
8 pistols or revolvers or a person who transfers ownership of
9 a pistol or revolver to a person who does not have in the
10 person's possession a valid annual permit to acquire pistols
11 or revolvers is guilty of an aggravated misdemeanor, and a
12 person who transfers ownership of a pistol or revolver to a
13 person that the transferor knows is prohibited from acquiring
14 ownership of a pistol or revolver commits a class "D" felony.
15 In addition, current law provides that a person who gives a
16 false name or presents false identification, or otherwise
17 knowingly gives false material information to one from whom the
18 person seeks to acquire a pistol or revolver commits a class
19 "D" felony.